

REMARKS

Claims 1-32 were rejected in an Office Action dated May 30, 2006. Claim 1 was amended, and new claims 82-86 have been added. Support for the amendments may be found in the "Detailed Description of the Invention." Applicants respectfully request reconsideration of the present application in view of the following remarks.

Introductory Remarks

The Office Action Summary states that claims 33-81 are withdrawn from consideration. Applicants believe this is a typographical error as claims 33-38 were examined in the Office Action dated May 30, 2006. Claims 39-81 were withdrawn from consideration following an election in response to a Restriction Requirement issued in the Office Action of June 24, 2005.

Rejections under 35 USC §103(a)

Claims 1-8 and 16-32 were rejected under 35 USC §103(a), as being unpatentable over U.S. Patent Application Publication 2001/0006173 to Rock et al. (Rock '173). Applicants respectfully traverse. Claims 9-15 were rejected under 35 USC §103(a) as unpatentable over Rock '173 above, and further in view of Cordia et al. (U.S. Patent No. 5,236,765). Claims 33-38 were rejected under 35 USC 103(a) as being unpatentable over Rock in view of Parker (U.S. Patent Number 5,658,164).

Applicants assert that a prima facie case of obviousness has not been established where all claimed elements have not been disclosed or suggested by the cited documents, alone or in combination, and no motivation has been provided to modify Rock '173 in a manner which renders the claimed invention obvious.

First, Applicants acknowledge the Office Action assertion that "... Rock et al. differs from the claimed invention because although it does disclose employing multiple fabric layers it does not explicitly state that the cable extends across two of the layers". (For purposes of this response, Applicants assume that by "layers" it is meant "joined textile panels" as claimed in Applicants' pending application.)

Applicants strongly disagree with the Office position that "since Rock et al. teaches forming the fabrics comprising conductive cable into garments such as jackets which have multiple fabric panels and seams, it would have been obvious to have extended the conductive cable across more than one fabric"

panel." (Office Action at page 2). Applicants assert that because Rock '173 teaches "forming the composite fabrics comprising conductive cable into garments", the claimed invention is not obvious.

Specifically, Rock '173 teaches attaching the heating/warming element to a fabric layer and forming the composite fabric prior to cutting and assembling the composite fabric into the resultant fabric article. Rock '173 states that the composite fabric, having a patterned heating/ warming element, "can readily be cut" i.e., "to form one side of a glove" [0026]; can "be readily cut to be formed and/or incorporated into a boot liner" [0027]. See also Figs. 3, 9, 10, 11, and 17. Therefore, where the conductive yarn is attached to the fabric prior to cutting and assembling, Rock '173 does not teach extending a length of yarn across at least two joined textile panel. Moreover, Rock '173 provides no motivation to modify the teachings therein to get to the claimed invention. If the Office maintains this position, Applicants respectfully request the Office to specifically point out the section of Rock '173 which provides the motivation to arrive at the claimed limitation.

Rock '173, at Fig. 11, shows two jacket panels each comprising a single patterned resistive heating element. Consistent with the teachings of Rock '173, a composite fabric having a patterned resistive heating element is formed prior to cutting and forming the final jacket article. Therefore, the conductive yarn does not extend across panels of the final article to form a continuous heating element even though it may be less expensive, require fewer connections, etc. At page 4 of the Office Action, the Office asserts that where jacket panels are on opposite sides of an opening, jacket cables could not extend from one panel to another or else they would extend across a closure and would not allow a jacket to be put on in a conventional way. Applicants assert that the claimed invention overcomes this perceived obstacle by a solution not suggested by Rock '173, i.e., by extending a length of cable across at least a portion of at least two joined textile panels. See for example Fig. 4, and the Examples of the instant specification which show an easy, durable, and non-obvious solution to the problem encountered by Rock '173. Removal of the rejection is therefore respectfully requested.

Additionally, with regard to independent claims 1, 33, 82 and the claims dependent thereon, Rock '173 does not teach the claimed element of a tape comprising adhesive that adheres to the upper cable surface of the length of

cable. The conclusory statement made by the Office (Office Action at page 5) that where Rock '173 teaches a barrier layer that can be adhesively bonded to the fabric layer and overlies the conductive cable, "the adhesive would also therefore necessarily adhere to the conductive element since it is bonded to the protective layer", is incorrect.

Fig. 12 shows no attachment, adhesive or otherwise, between the barrier and fabric layers. Paragraphs [0015] and [0030] distinguish "associated" (Figs. 12 and 13) and "attached" (Figs. 14 and 15) referring to the relationship between the barrier and fabric layers, not the conductive element. Paragraph [0032] teach the barrier layer joined to the fabric layer, not the resistive heating element or conductive yarn. Fig. 14 shows the barrier attached to the fabric layer while overlying the heating/warming element. The adhesive (14) does not contact the conductive yarn (16); clearly, no adhesive is shown to adhere to the upper surface of the conductive yarn. Thus, it is incorrect to conclude that the adhesive would, therefore, necessarily adhere to the conductive element, and no suggestion or teaching that it does.

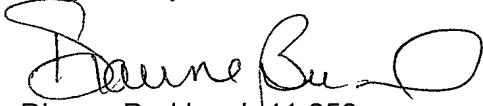
Where Lumb does not disclose or suggest a resistive heating element as a component of the composite fabrics taught therein, and only teaches attachment of a barrier layer onto a fabric layer, it does not overcome the deficiencies of Rock '173. If the Office maintains its assertion that Rock '173, either alone or in combination with Lumb, discloses or suggests the claimed element of a tape comprising adhesive adhering to the upper surface of a cable length, Applicants respectfully request that the specific portions of Rock '173 be cited for clarification.

Where dependent claims 2-31, 34-39, and 83-86 contain all of the limitations of independent claims 1, 33, and 82, the claims are deemed patentable over Rock '173 alone, or in combination with Parker, for the reasons previously set forth. Claims 9-15 are rejected under 35 USC §103(a) as being unpatentable over Rock et al. as applied to the claims, and further in view of Cordia et al., U.S. Patent No. 5,236,765. Applicants assert that where claims 9-15 are dependent, directly or indirectly, upon claim 1, having all of the limitations of claim 1, they are patentable for the reasons set forth for claim 1. Removal of the rejections under 103(a) is respectfully requested.

Conclusion

For the foregoing reasons, the present invention as defined by claims 1-39, and 82-86, is neither taught nor suggested by any of the references of record. Accordingly, Applicants respectfully submit that these claims are now in form for allowance. If further questions remain, Applicants request that the Examiner telephone Applicants' undersigned representative before issuing a further Office Action.

Respectfully submitted,


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